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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/079,679	02/20/2002	Dan Thaxton	STD 1067 PA	6750
23368 7590 10/06/2010 DINSMORE & SHOHL LLP FIFTH THIRD CENTER, ONE SOUTH MAIN STREET SUITE 1300 DAYTON, OH 45402-2023				
EXAMINER				
KAMAL, SHAHID				
ART UNIT		PAPER NUMBER		
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10/06/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/079,679

Applicant(s)

THAXTON, DAN

Examiner

SHAHID KAMAL

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05/18/2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12, 13, 15-17, & 20 is/are rejected.
- 7) ☐ Claim(s) 11, 14, 18 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date 12/07/2009.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application.
- 6) ☐ Other: _____.

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Acknowledgements

1. Claims 1-20 are now pending in this application and have been examined.
2. Upon further review of the arguments provided by the applicant in the Pre-Appeal Brief filed 18 May 2010, the FINAL Office action mailed on 09 March 2010 has been withdrawn. The prosecution of this application is hereby reopened.
3. The following is a NON-FINAL Office Action in response to the communication received on 18 May 2010.

Allowable Subject Matter

4. Claims 11, 14, 18, and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Townsend (US Patent No. 6,631,473 B2) ("Townsend") in view of Rhoads (US Pub. No. 2002/0080996 A1) ("Rhoads").

8. Referring to claim 1, Townsend discloses the following:

processing data relating to selected security features of said document using a computer, said security features each having associated compatibility and relative rating information (see abstract, col.2, lines 23-33, col.3, lines 21-37);
revising said selected security features of said document using said computer to resolve any issues (see col.2, lines 23-33, col.3, lines 21-37);

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evaluating said relative rating information of said selected security features using said computer to determine a document security rating of said document (see col.2, lines 23-33); and

presenting said document security rating of said document on a display of said computer (see abstract, col.3, lines 21-37).

Townsend does not expressly disclose determining compatibility issues using the computer among said selected security features of said document.

However, Rhoads discloses determining compatibility issues using the computer among said selected security features of said document (see abstract, ¶¶ 0014, 0015).

It would have been obvious to a person of ordinary skill in the art to have modified of Townsend for an adaptive countermeasure selection method and apparatus with the features of Rhoads for a digital watermarks and methods for security document in order to provide both the watermark data the presence of a visible structure characteristic of a security document.

9. Referring to claim 2, Townsend further discloses presenting security features on a display of the computer for selection (see abstract, col.2, lines 23-33, col.3, lines 21-37).

10. Referring to claim 3, Townsend further discloses wherein said security features are presented categorized by purpose (see abstract, col.10, claim 1).

11. Referring to claim 4, Townsend further discloses providing a selectable link for at least one said security feature, which when selected presents information which describes the associated security feature and explains strengths and weaknesses of the associated security feature (col.2, lines 23-33).

12. Referring to claim 5, Townsend further discloses recommending said security features based on security document type and desired security level (col.3, lines 21-37).

13. Referring to claim 6, Townsend further discloses providing a link for at least one of said security document type, which when selected presents an example of the associated security document type (see abstract, col.2, lines 23-33, col.3, lines 21-37).

14. Referring to claim 7, Townsend further discloses wherein said example includes recommended security features and providing associated links which when selected explain each associated security feature (see abstract, col.2, lines 23-33).

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15. Referring to claim 8, Townsend further discloses a method of further comprising requesting document design information to help assess compatibility issues (see abstract, col.2, lines 23-33, col.3, lines 21-37).
16. Referring to claim 9, Townsend further discloses said document design information includes use of security document, type of document paper, storage requirements, and threat environment assessment, and type of document shipping (see abstract, col.2, lines 23-33, col.3, lines 21-37).
17. Referring to claim 10, Townsend further discloses certain said security features are made unselect table by said computer based upon said document design information (see abstract, col.2, lines 23-33).
18. Referring to claim 11, Claim is objected.
19. Referring to claim 12, Townsend further discloses said different forms of attack include tampering, copying, counterfeiting, and accessing, and said rating is provided for each attack (see abstract, col.10, claim 1).
20. Referring to claim 13, Townsend further discloses said authentication includes covert, and mechanical, and said rating is provided for each authentication type (see abstract, col.2, lines 23-33, col.3, lines 21-37).
21. Referring to claim 14, Claim is objected.
22. Referring to claim 15, Townsend further discloses viewing a relative cost assessment for selected feature (see figure 1, col.2, lines 23-33).
23. Referring to claim 16, Townsend further discloses presenting a link to common questions and concerns (see abstract, col.2, lines 23-33, col.3, lines 21-37).
24. Referring to claim 17, Townsend further discloses said data relating to said selected security features is obtained from a database by said computer (see col.3, lines 21-37).

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25. Referring to claim 18, Claim is objected.

26. Referring to claim 19, Claim is objected.

27. Referring to claim 20, Townsend discloses the following:

processing data relating to selected security features of said document, said security features each having associated compatibility and relative rating information (see abstract, col.2, lines 23-33, col.3, lines 21-37);

evaluating said relative rating information of said selected security features to determine a document security rating of said document (see figure 1, col.2, lines 23-33); and

presenting said document security rating of said document (see abstract, figure 1, col.2, lines 23-33, col.3, lines 21-37).

Townsend does not expressly disclose determining compatibility issues using the computer among said selected security features of said document.

However, Rhoads discloses determining compatibility issues using the computer among said selected security features of said document (see abstract, ¶¶ 0014, 0015).

It would have been obvious to a person of ordinary skill in the art to have modified of Townsend for an adaptive countermeasure selection method and apparatus with the features of Rhoads for a digital watermarks and methods for security document in order to provide both the watermark data the presence of a visible structure characteristic of a security document.

Conclusion

28. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

29. Any inquiry concerning this communication or earlier communications from the patent examiner should be directed to Shahid Kamal whose telephone number is (571) 270-3272. The Patent examiner can normally be reached on Monday-Thursday (8:30am -7:00pm), Friday off.

30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571) 272-4690. The fax phone number for this origination where this application or proceeding is assigned is (571) 273-8300.

31. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published application may be obtained from either Private PAIR or Public PAIR.

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32. Statutes information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-directed.uspto.gov>.

33. Should you have any questions on accessing to the Private PAIR system, contact the Electronic Business Center (EBC) at 1(866) 217-9197 (toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 1(800) 786-9199 (IN USA OR CANADA) or 1(571) 272-1000.

SK
09/30/2010

/Pierre E. Elisca/
Primary Examiner, Art Unit 3714